

REMARKS/ARGUMENTS

In the Office Action dated May 9, 2003, the Examiner objects to the drawings under 37 CFR 1.84(p)(5). According to the first objection, the drawings do not include reference character 409, which is mentioned in the specification. Submitted herewith is an amended drawing sheet that includes corrected reference character 409; no new matter has been added. The Examiner further objects to the drawings because they include reference character 316, which is not mentioned in the description. The Amendment submitted herewith incorporates reference character 316 into the relevant paragraph from the specification, thereby satisfying the Examiner's objection. Reference character 316 appearing in the drawings as originally filed was fully supported by this text; no new matter has been added. A further objection concerns the absence of reference character 514 (Fig. 5). A review of the drawings and specification, however, indicates that reference character 514 mentioned in the specification appears in the drawings as originally filed. A substitute drawing sheet, therefore, is not necessary. As the substitute drawing sheet and amendment to the specification satisfies the Examiner's objections under 37 CFR 1.84(p)(5), withdrawal of the objection is respectfully requested.

Claims 1 through 16 are currently pending in the present Application as the Applicants has elected these claims, with traverse, in response to a previous restriction requirement under 35 USC 121. According to the present Office Action, the Examiner has rejected claims 1 through 16 under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,002,394 ("Schein").

Independent claim 1 is directed to a method for presenting editorial content items on a display device within the context of an electronic program guide that is operative to display information regarding programming available on a broadcast distribution network. The method

of claim 1 comprises receiving an editorial content index page and one or more editorial content items at a client device. While the electronic program guide is displayed, the user selects a control to present the editorial content index page on the display device, the editorial content index page comprising a set of one or more links to the editorial content items. The user selects a link to an editorial content item from the set of one or more links, which causes the editorial content item to be displayed on the display device.

Contrary to the Examiner's assertion, Schein fails to disclose the elements of independent claim 1. The method of claim 1 requires selecting a control to present an editorial content index page while the electronic program guide is displayed. The Examiner indicates that reference element 512 in Figure 16A of Schein represents a control to present an editorial content index page. According to the specification of Schein, however, reference element 512 refers to a mode menu area that indicates the currently active mode (i.e., program guide) and allows a viewer to pull down a mode menu. Col. 21, lines 51-55. Accordingly, the viewer scrolls down the mode menu to enter a submenu menu. Col. 23, lines 24-26.

Requiring the viewer to first access mode and submenu menus, e.g., World of Services as shown in Figs. 19A and 20A, before being presented with a desired set of information represents a multi-screen process that requires additional navigation beyond what is required by claim 1 of the present invention. Advantageously, claim one eliminates the steps discussed by Schein by presenting a control on the electronic program guide to present the editorial content index page.

The mode menu of Schein fails to read onto the claimed element of selecting a control to present the editorial content index page while the electronic program guide is displayed. Indeed, the text and figures of Schein indicate that the viewer is required to perform

an intermediate step of scrolling through a mode menu to select a submode whereby the scrollable mode menu replaces the electronic program guide. Figures 19A and 20A.

In addition, Schein fails to teach or suggest the elements of receiving an editorial content index page and one or more editorial content items, selecting a link to an editorial content item from the set of one or more links and presenting the editorial content item on the display device. At most, Schein discusses allowing a viewer to navigate between modes of an electronic program guide to tailor the preferences of, and interact with, the electronic program guide.

The Examiner asserts that Figure 20B of Schein presents an editorial content index page that inherently contains facts and opinion about specific programming. Applicants respectfully disagree. A review of Figures 20A through 20C indicates that Schein provides functionality that allows a viewer to receive news items which, if anything, inherently contain information completely independent from the specific programming choices presented in the EPG. Schein thus fails to teach or suggest presenting editorial content as claimed.

Because Schein fails to teach or even suggest the elements of independent claim 1, withdrawal of the rejection and allowance of independent claim 1 is respectfully requested.

Independent claim 7 is also allowable over Schein for similar reasons to those presented in support of independent claim 1. Schein fails to teach or suggest presenting an electronic program guide and a selectable editorial content control that presents the editorial content index page in response to a selection of the control. At most, Schein presents on an EPG screen, a mode control within an electronic program guide that allows that user to navigate between different submodes, not present an editorial content index page. Furthermore, as with respect to independent claim 1, Schein does not teach or suggest presenting an editorial content

index page comprising a set of one or more pointers to editorial content items. According to Schein, a viewer may use the mode menu to select a “World of Services” mode (see Fig. 20A) that presents the viewer with links to news items, not editorial content items. For at least these reasons, Schein fails to anticipate independent claim 7. Withdrawal of the rejection and allowance of independent claim 7 is respectfully requested. Additionally, as independent claim 15 is directed towards computer readable media comprising program code to execute a method analogous to independent claim 7, independent claim 15 is allowable for at least these reasons and allowance is respectfully requested.

Independent claim 12 claims a method for presenting editorial content items that comprises presenting a surf guide configured to display program information concurrently with a tuned channel and a selectable editorial content control within the surf guide to present an editorial content index page. The editorial content index page is presented on the display device within the context of the surf guide in response to a selection of the editorial content control. The viewer selects a pointer to an editorial content item, which causes an editorial content item to be displayed on the display device.

Finally, independent claim 16 is patentable over Schein because there is no teaching or suggestion in Schein of editorial content or presentation software to display an editorial content index and render the editorial content index and one or more editorial content items on the display. As claimed, editorial content comprises audio, video, interactive data and combinations thereof. The Examiner asserts that the editorial data of Schein consists of graphics data such as graphics displayed in accordance with what is highlighted in the electronic program guide matrix. Schein, however, only discusses descriptive or contextual video or graphics, such as a short preview of the show that is currently being highlighted in the show matrix. Col.

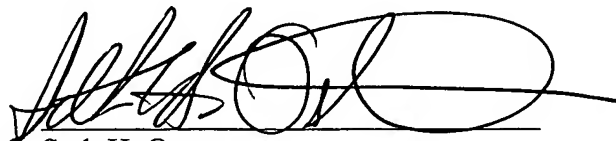
22, lines 4-8. These graphics are not editorial content items as claimed and therefore fail to anticipate. As a result, independent claim 16 is allowable and withdrawal of the rejection is respectfully requested.

The dependent claims of the present application contain additional features that further substantially distinguish the invention of the present application over the prior art of record. Given the applicants' position on the patentability of the independent claims, however, it is not deemed necessary at this point to delineate such distinctions.

For at least all of the above reasons, Applicants respectfully request that the Examiner withdraw all rejections, and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance, the examiner is invited to call the applicants' undersigned representative to discuss any issues relating to this application.

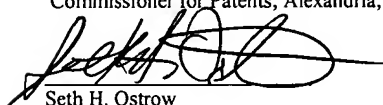
Respectfully submitted,

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